DESCRIPTION OF NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT AS STATED IN THE CITY OF RALEIGH ZONING CODE

Sec. 10-2054. NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT.

(a)   Approval.

If the use requires a site plan, as set forth in §10-2132.2, approval of a site plan is required by either the administrative staff, the Planning Commission, or the City Council; see §10-2132.2(b) and (c). If the use requires a plot plan, as set forth in §10-2132.1, administrative approval is required.

(b)   Permitted Uses.

Subject to the provisions of §10-2054 and other overlay districts, all general uses, conditional uses, and special uses that are allowed in the underlying district by the Schedule of Permitted Uses in Zoning Districts, §10-2071 are allowed in the Neighborhood Conservation Overlay District. In addition, any street design, greenway standard, street right-of-way requirement, and built environmental regulation contained in the Neighborhood Plan, which may be more stringent or less stringent than those of the underlying zoning district shall control notwithstanding any contrary regulation of the underlying districts.

(c)   Prohibited Uses.

Except for improvements made pursuant to Part 10 chapter 3 of this Code, any use not explicitly allowed by both the underlying district by the Schedule of Permitted Land Uses in Zoning Districts §10-2071 and subsection (b) above is prohibited. If a use is prohibited in either an overlay district or the underlying district, that use is prohibited even if one (1) of these districts allows the use. The enumeration of expressly prohibited uses shall not be deemed exclusive or all-inclusive. Prohibited uses include:
- All uses prohibited in the underlying zoning district
- Built environmental characteristics, street design, greenways and street rights-of-way established or modified after the application of this Overlay District except in conformance with the terms, conditions, plans, and provisions of the Neighborhood Plan unless approved by the Board of Adjustment in accordance with §10-2146.3(a)(7).

(d)   Area, Density, Bulk, Yard, and Height Requirements.

      (1)   Area, density, and bulk.

            a.   Subject to any other applicable overlay district, the required minimum net area for any dwelling unit and equivalent dwelling unit shall be that established in the Neighborhood Plan. If the minimum net lot area in the underlying district conflicts with the minimum net lot area standard of the Neighborhood Plan, the Plan shall control. Whenever the Neighborhood Plan fails to adopt a minimum net lot area, those of the underlying zoning district shall be applied to lots.

            b.   The maximum residential density per net acre shall be that established in the Neighborhood Plan. If the maximum density in underlying district conflicts with the density standard of the Neighborhood Plan, the Plan shall control. Whenever the Neighborhood Plan fails to adopt a density or minimum net lot area standard, those of the underlying zoning district shall be applied to the property.

All minimum net lot areas and residential densities shall be calculated in accordance with §10-2073(c) and are subject to the exceptions listed in §10-2073(d).

(2)   Yard.

The minimum district yard setbacks shall be those established in the Neighborhood Plan. If the district yard setbacks of the underlying district conflict with any yard setback standard of the Neighborhood Plan, the Plan shall control. Whenever the Neighborhood Plan fails to adopt yard setbacks, those of the underlying zoning district shall be applied to the property.
See §10-2075 for other yard areas required by this Code, method of calculating, exceptions and reductions to yard areas, and illustrations.

(3)   Height.

Buildings and structures may be constructed to any height established in the Neighborhood Plan. If the height regulations of the underlying district conflict with the height regulations of the Neighborhood Plan, the Plan shall control. Whenever the Neighborhood Plan fails to adopt height limitations, those of the underlying zoning district shall be applied to the property.
See §10-2075 for method of height calculation, exceptions, and illustrations.

(e)   Supplementary Regulations.

All uses and activities are also subject to Article H, other overlay zoning districts, conditional use zoning districts, and supplementary regulations of Article E. Supplementary regulations include:

(1)   Off-street parking   see §10-2081
(2)   Landscaping   see §10-2082
(3)   Signage
          on-premise signs   see §10-2083
          off-premise signs   see §10-2084

(4)   Neighborhood Plan.

No building, structure, street, right-of-way, or greenway shall be constructed, moved, altered, changed, or increased in size within a Neighborhood Conservation Overlay District except in conformity with the adopted Neighborhood Plan. The Plan may contain standards which are more stringent or less stringent than the underlying district; in the event of any conflict, the Plan shall control. Nothing contained in the Neighborhood Plan shall be construed to affect the Planning and Development Regulations, Part 10 of this Code, except as it involves greenways, street rights-of-way, street design, and built environmental characteristics.

(5)   Existing lots and structures.

All lots and structures existing at the time that the Neighborhood Conservation Overlay District is first applied to the property shall not be deemed a zoning nonconformity solely because of this Overlay District. For example, replacement of existing structures with like structures that otherwise conform to the requirements of the underlying district are allowed. All additions, changes, expansions, and alterations to such existing structures must comply with the regulations of the Neighborhood Conservation Overlay District unless the Board

of Adjustment in accordance with §10-2146.3(a)(7) approves the addition, change, expansion or alteration, as if the existing structure were made nonconforming by the Overlay District.

(f)   Designation of a Neighborhood Conservation Overlay District and adoption of a Neighborhood Plan.

(1)   Locational guidelines.

The general characteristics desired of land placed in the Neighborhood Conservation Overlay District are the following:

a.   It is located in an area in which development began at least twenty-five (25) years prior to application of the Neighborhood Conservation Overlay District.

b.   At least seventy-five (75) per cent of the land within the area is developed.

c.   The area contains at least fifteen (15) (contiguous) acres unless either it is an extension of any existing Neighborhood Conservation Overlay District, or the application is authorized by City Council to amend the Official Zoning Map to the Neighborhood Conservation Overlay District.

d.   The area possesses unifying distinctive elements of either exterior features or built environmental characteristics that create an identifiable setting, character and association.

Cross reference: *Petition to Zone Property Neighborhood Conservation Overlay District, §10-2165(d)(3).*

(2)   Neighborhood Plan.

A Neighborhood Plan shall be completed prior to the application of the Neighborhood Conservation Overlay District. No Neighborhood Plan shall be approved by the City Council until after a recommendation thereon has been made by the Planning Commission. At least ten (10) days before the Planning Commission makes its recommendation, a copy of the Neighborhood Plan shall be mailed to the property owners within the proposed Neighborhood Conservation Overlay District. The Neighborhood Plan shall be approved prior to or in conjunction with the zoning of any area as a Neighborhood Conservation Overlay District. The Neighborhood Plan records neighborhood-specific policies to promote the well being of the neighborhood. The Neighborhood Plan shall include at least these elements:

a.   Neighborhood history and evolution
b.   Land use inventory
c.   Description of housing; existing, new development and   maintenance
d.   Inventory of built environmental characteristics
e.   Lot size and configuration
f.   Open space and recreation
g.   Commercial development revitalization
h.   Circulation/transportation
i.   Capital improvement needs